

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In Re Terrorist Attacks on September 11, 2001

Case No. 03-md-1570 (GBD) (SN)

Federal Insurance Company, et al.,

Case No. 03-cv-6978 (GBD) (SN)

Creditors,

v.

The Taliban, et al.,

Debtors,

Federal Reserve Bank of New York,

Garnishee.

**FEDERAL INSURANCE CREDITORS' CERTIFICATE OF SERVICE**

I, J. Scott Tarbutton, hereby certifies as follows:

1. I am an attorney admitted to practice *pro hac vice* in the above-captioned matter, and a member of the law firm Cozen O'Connor, which represents Judgment Creditors *Federal Insurance Co., et al.* (the "*Federal Insurance Creditors*") in the above-captioned action. This certificate of service and the attached exhibits document the steps taken by the *Federal Insurance Creditors'* to serve their turnover papers (MDL ECF Nos. 7936-7938) on the Taliban and Da Afghanistan Bank ("DAB") via email, Twitter, and publication, as authorized by the Court at MDL ECF Nos. 7830, 7946. I am personally familiar with the instances of service described herein.

2. This certificate of service supplements previous proofs of service submitted in connection with the *Federal Insurance Creditors'* turnover proceedings. See MDL ECF No.

7943 (documenting the *Federal Insurance* Creditors’ service of DAB via its agent or officer Dr. Shah Mohammad Mehrabi); *see also* MDL ECF No. 7784 at 11-13 (discussing why DAB was properly served via Dr. Mehrabi).

3. On April 5, 2022, Magistrate Judge Sarah Netburn issued an Opinion and Order (the “Order”) authorizing and directing alternative and supplemental service of the *Havlish* Creditors’ and *Doe* Creditors’ turnover motion papers on the Taliban and DAB. *See* MDL ECF No. 7830.

4. That Order authorized service on the Taliban (1) via publication in the *New York Times* and *Al-Quds Al-Arabi* pursuant to N.Y. C.P.L.R. § 316, and (2) by Twitter communications to the accounts of Taliban First Deputy Prime Minister Abdullah Azzam (@Abdullah\_azzam7), Taliban political spokesman Mohammad Naeem (@IeaOffice), “or to any other Twitter accounts reported to belong to Taliban spokespersons.” *Id.* at 9.

5. The Order further authorized service on DAB (1) via publication in the *New York Times* and *Al-Quds Al-Arabi* pursuant to N.Y. C.P.L.R. § 316, (2) email to [info@dab.gov.af](mailto:info@dab.gov.af), and (3) Twitter communication to DAB (@AFGCentralbank). *Id.* at 14.

6. On May 4, 2022, Magistrate Judge Sarah Netburn issued an Order permitting the *Federal Insurance* Creditors to “achieve supplemental and alternative service on the Taliban and Da Afghanistan Bank using the methods authorized by the Court at ECF No. 7830.” *See* MDL ECF No. 7946.

7. To facilitate service on the Taliban and DAB, the April 5, 2022 Order authorized the *Havlish* and *Doe* Creditors, “[a]s an alternative to publishing the full motion papers,” to include in their published notice “an electronic address such as a URL or a QR code that directs the reader to easily accessible online versions of those papers.” Order at 9. Thereafter, the

*Havlish* Creditors created a public website – [www.DABturnover.com](http://www.DABturnover.com) – which contains links to PDFs of the *Havlish* Creditors’ and *Doe* Creditors’ turnover motion papers in both English and Pashto, as well as an English and Pashto notice describing the relief sought in the motions. *See* MDL ECF No. 7904 at ¶¶ 4-5. The parties understand Pashto to be a “language spoken by a substantial percentage of Afghanistan’s population.” Order at 14.

8. On May 18, 2022, the Public Notice to the Taliban and DAB at [www.DABturnover.com](http://www.DABturnover.com) was edited to include specific information identifying the *Federal Insurance* Creditors’ turnover motion and relief sought in both English and Pashto, as well as links to PDFs of the *Federal Insurance* Creditors’ motion papers in English and Pashto. *See Exhibit 1.*

9. The revised English text of the Public Notice to the Taliban and DAB at [www.DABturnover.com](http://www.DABturnover.com) reads as follows (and is also translated into Pashto):

In the United States District Court for the Southern District of New York, Case Nos. 03-MD-1570-GBD-SN, 03-CV-9848-GBD-SN, 20-MC-740-GBD-SN, and 03-CV-6978-GBD-SN, Judgment Creditors Fiona Havlish et al. (“the Havlish Creditors”), John Does 1 through 7 (“the Doe Creditors”), and Judgment Creditors Federal Insurance Co., et al. (the “Federal Insurance Creditors”), have each filed a motion seeking a turnover of assets of Da Afghanistan Bank (DAB) held in the Federal Reserve Bank of New York (FRBNY). The Havlish Creditors seek these assets to satisfy the final judgment entered by the Court on October 16, 2012 against the Taliban, among others, in connection with the terrorist attacks of September 11, 2001. The Doe Creditors seek these assets to satisfy a final judgment entered in the Northern District of Texas on November 5, 2020 against the Taliban, among others, in connection with a terrorist attack in Kabul, Afghanistan on January 4, 2016. The Federal Insurance Creditors seek these assets to satisfy the final judgment entered by the Court on April 20, 2022 against the Taliban in connection with the terrorist attacks of September 11, 2001. Pursuant to Federal Rule of Civil Procedure 69(a), N.Y. C.P.L.R. Sections 5225(b) and 5227, and Section 201(a) of the Terrorism Risk Insurance Act of 2002, the Havlish Creditors’, the Doe Creditors’, and the Federal Insurance Creditors’ motions seek to compel FRBNY to turn over the blocked assets of DAB in an amount sufficient to satisfy the outstanding amounts of their awards of compensatory damages as of the date the motions were filed, namely \$2,086,386,669, \$138,418,741, and \$14,672,806,120.64, respectively.

This is a notice that the motions have been filed. The motion papers are available below in both English and Pashto.

*See id.*

**A. Service on DAB and the Taliban via Email**

10. In accordance with the Court’s Order authorizing service “to [info@dab.gov.af](mailto:info@dab.gov.af), a general purpose email address listed on DAB’s website, <https://dab.gov.af>,” Order at 14, I personally effected email service on DAB and the Taliban starting at 11:30 p.m. EST on Friday, May 20, 2022. I understand that 11:30 p.m. on Friday, May 20, 2022 corresponds to 8:00 a.m. on Saturday, May 21, 2022 in Kabul, Afghanistan, and I further understand on information and belief that Saturday is a business work day in Afghanistan. It is also my understanding that business hours at DAB are Saturday through Thursday, from 8:00 a.m. Kabul time until 4 p.m. Kabul time. *See* <https://dab.gov.af>.

11. Attached hereto as Exhibit 2 is a true and correct copy of the May 20, 2022 email sent from counsel for the *Federal Insurance* Creditors to [info@dab.gov.af](mailto:info@dab.gov.af). The email included English and Pashto descriptions of the *Federal Insurance* Creditors’ turnover motion, and also included as attachments copies of the *Federal Insurance* Creditors’ turnover motion papers, in both English and Pashto. The email also included a link to [www.DABturnover.com](http://www.DABturnover.com).

12. Immediately following service via email on May 20, 2022, copies of the *Federal Insurance* Creditors’ turnover motion papers, in both English and Pashto, were additionally sent via secure file transfer to DAB at [info@dab.gov.af](mailto:info@dab.gov.af). *See* Exhibit 3.

**B. Service on DAB and the Taliban via Twitter**

13. In accordance with the Court’s Order authorizing service on DAB and the Taliban via Twitter, *supra* ¶¶ 4-5, the *Federal Insurance* Creditors effected Twitter service on DAB and the Taliban on May 24, 2022.

14. Attached hereto as Exhibit 4 are true and correct copies of tweets, in English and Pashto, sent from @FederalTurnover to @AFGCentralbank. I understand @AFGCentralbank to be DAB's primary Twitter account, and the Order described it as "the Twitter account to which DAB's website is linked." Order at 14. The tweets contained English and Pashto descriptions of the *Federal Insurance* Creditors' turnover motion papers and included a link to [www.DABturnover.com](http://www.DABturnover.com).

15. Attached hereto as Exhibit 5 is a true and correct copy of a screen capture of the Twitter profile for @AFGCentralbank.

16. Attached hereto as Exhibit 6 are true and correct copies of tweets, in English and Pashto, sent from @FederalTurnover to @IeaOffice. I understand @IeaOffice to be a Twitter account associated with "Taliban political spokesman Mohammed Naeem." Order at 9. The tweets contained English and Pashto descriptions of the *Federal Insurance* Creditors' turnover motion papers and included a link to [www.DABturnover.com](http://www.DABturnover.com).

17. Attached hereto as Exhibit 7 is a true and correct copy of a screen capture of the Twitter profile for @IeaOffice, which states that it is the account of the "Spokesman of the Political Office of the Islamic Emirate of Afghanistan."

18. Attached hereto as Exhibit 8 are true and correct copies of tweets, in English and Pashto, sent from @FederalTurnover to @Abdullah\_azzam7. I understand @Abdullah\_azzam7 to be a Twitter account associated with Abdullah Azzam, the "secretary to Taliban acting first deputy prime minister Abdul Ghani Baradar." MDL ECF No. 7784 at 7. The tweets contained English and Pashto descriptions of the *Federal Insurance* Creditors' turnover motion papers and included a link to [www.DABturnover.com](http://www.DABturnover.com).

19. Attached hereto as Exhibit 9 is a true and correct copy of a screen capture of the Twitter profile for @Abdullah\_azzam7, which states that it is the account of the “Personal Secretary 2 D 1st Deputy PM of D IEA, Mullah Abdul Ghani Baradar.”

20. Attached hereto as Exhibit 10 are true and correct copies of tweets, in English and Pashto, sent from @FederalTurnover to @QaharBalkhi. I understand @QaharBalkhi to be a Twitter account associated with Abdul Qahar Balkhi, a spokesperson for the Taliban’s Ministry of Foreign Affairs. The tweets contained English and Pashto descriptions of the *Federal Insurance* Creditors’ turnover motion papers and included a link to [www.DABturnover.com](http://www.DABturnover.com).

21. Attached hereto as Exhibit 11 is a true and correct copy of a screen capture of the Twitter profile for @QaharBalkhi, which states that it is the account of the “MoFA Spokesperson, Islamic Emirate of Afghanistan.”

22. Attached hereto as Exhibit 12 are true and correct copies of tweets, in English and Pashto, sent from @FederalTurnover to @Zabehulah\_M33. I understand @Zabehulah\_M33 to be a Twitter account associated with Zabihullah Mujahid, a Taliban spokesperson. The tweets contained English and Pashto descriptions of the *Federal Insurance* Creditors’ turnover motion papers and included a link to [www.DABturnover.com](http://www.DABturnover.com).

23. Attached hereto as Exhibit 13 is a true and correct copy of a screen capture of the Twitter profile for @Zabehulah\_M33, which states that it is the “Official Twitter Account of the Spokesman of Islamic Emirate of Afghanistan, Zabihullah Mujahid.”

**C. Service on DAB and the Taliban via Publication**

24. In accordance with the Court’s Order authorizing service on DAB and the Taliban via publication, *supra* ¶¶ 4-5, the *Federal Insurance* Creditors submitted a Public Notice for publication in the *New York Times* and *Al-Quds Al-Arabi*. The Public Notice included “a brief

statement of the nature of the action and the relief sought,” *see* Order at 9, CPLR § 316, and the notice made reference to [www.DABturnover.com](http://www.DABturnover.com), which includes links to PDFs of the *Federal Insurance Creditors’* motion papers in English and Pashto.

25. A copy of the English language version of the Public Notice that was submitted for publication in the *New York Times* is attached hereto as Exhibit 14. The Public Notice was also translated into Arabic for publication in the *Al-Quds Al-Arabi*, and a copy of the Arabic translation of the notice is attached hereto as Exhibit 15.

26. In conformity with the Order and CPLR § 316, the Public Notices were published in the *New York Times* and *Al-Quds Al-Arabi* once per week for four consecutive weeks.

27. As further documented below and in the attached exhibits, English-language notices were published in the *New York Times* on May 23, 2022, May 30, 2022, June 6, 2022, and June 13, 2022. Arabic-language notices were published in the *Al-Quds Al-Arabi* on May 25, 2022, June 1, 2022, June 8, 2022, and June 15, 2022.

28. Attached hereto as Exhibit 16 is a true and correct copy of an affidavit from the *New York Times* concerning the May 23, 2022 publication of the *Federal Insurance Creditors’* Public Notice, including a true and correct copy of a tear sheet showing the placement of the Public Notice in the newspaper.

29. Attached hereto as Exhibit 17 is a true and correct copy of an affidavit from the *New York Times* concerning the May 30, 2022 publication of the *Federal Insurance Creditors’* Public Notice, including a true and correct copy of a tear sheet showing the placement of the Public Notice in the newspaper.

30. Attached hereto as Exhibit 18 is a true and correct copy of an affidavit from the *New York Times* concerning the June 6, 2022 publication of the *Federal Insurance Creditors’*

Public Notice, including a true and correct copy of a tear sheet showing the placement of the Public Notice in the newspaper.

31. Attached hereto as Exhibit 19 is a true and correct copy of an affidavit from the *New York Times* concerning the June 13, 2022 publication of the *Federal Insurance Creditors'* Public Notice, including a true and correct copy of a tear sheet showing the placement of the Public Notice in the newspaper.

32. Attached hereto as Exhibit 20 is a true and correct copy of a June 17, 2022 Declaration of Publication from Pat Sundram, *Al-Quds Al-Arabi* Business Manager, certifying that the *Federal Insurance Creditors'* Public Notice was published in the *Al-Quds Al-Arabi* on May 25, 2022, June 1, 2022, June 8, 2022, and June 15, 2022. The Declaration also includes true and correct copies of pages from *Al-Quds Al-Arabi* on those publication dates, each of which contain the published Public Notice.

Respectfully submitted,

COZEN O'CONNOR

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